



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

ATTY.'S DOCKET: WALLACH=23

In re Application of:

David WALLACH et al

Appln. No.: 09/380,546

Filed: November 29, 1999

For: CASH (CASPASE HOMOLOGUE) WITH
DEATH EFFECTOR DOMAIN MODULATORS
OF THE FUNCTION OF FAS RECEPTORS

BOX AF

Conf. No.: 2755

Art Unit: 1635

Examiner: B. Whiteman

Washington, D.C.

January 22, 2004

TECH CENTER 1600/2900

JAN 29 2004

RECEIVED

**NOTICE OF APPEAL FROM THE PRIMARY EXAMINER
TO THE BOARD OF PATENT APPEALS AND INTERFERENCES**

Honorable Commissioner for Patents
U.S. Patent and Trademark Office
2011 South Clark Place
Customer Window, Mail Stop AF
Crystal Plaza Two, Lobby, Room 1B03
Arlington, VA 22202

Sir:

Applicant hereby appeals to the Board of Patent Appeals and Interferences from the final rejection (or the rejection of claims for at least the second time), dated August 22, 2003, of the Primary Examiner. The claims appealed are claims 44, 49-54, 57, 59 and 69-71.

The item(s) checked below are appropriate:

Small Entity Status: Applicant(s) claim small entity status. See 37 CFR 1.27.

XXX The fee has been calculated as shown below:

_____ \$330.00

_____ \$165.00 (small entity)

XXX Not required (fee paid in prior appeal)

XXX Applicant hereby petitions for an extension of time in accordance with 37 CFR 1.136(a). The appropriate fee required by 37 CFR 1.17 is calculated as shown below:

Small Entity
Response Filed Within

[] First - \$ 55.00

[] Second - \$210.00

[] Third - \$475.00

[] Fourth - \$740.00

month after time period set

Other Than Small Entity
Response Filed Within

[] First - \$ 110.00

[X] Second - \$ 420.00

[] Third - \$ 950.00

[] Fourth - \$1480.00

month after time period set

[] Less fees (\$ _____) already paid for ___ months extension of time on ____.

_____ A check in the amount of \$ _____ is attached. (Check No. _____)

XXX Credit Card Payment Form, PTO-2038, is attached, authorizing the amount of \$ 420.00.

XXX Please charge any deficit in the fee paid herewith to my Deposit Account No. 02-4035.

01/27/2004 HDEMESS1 00000042 09380546

01 FC:1252

420.00 DP

Respectfully submitted,
BROWDY AND NEIMARK, P.L.L.C.
Attorneys for Applicant(s)

By: _____

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